

REMARKS

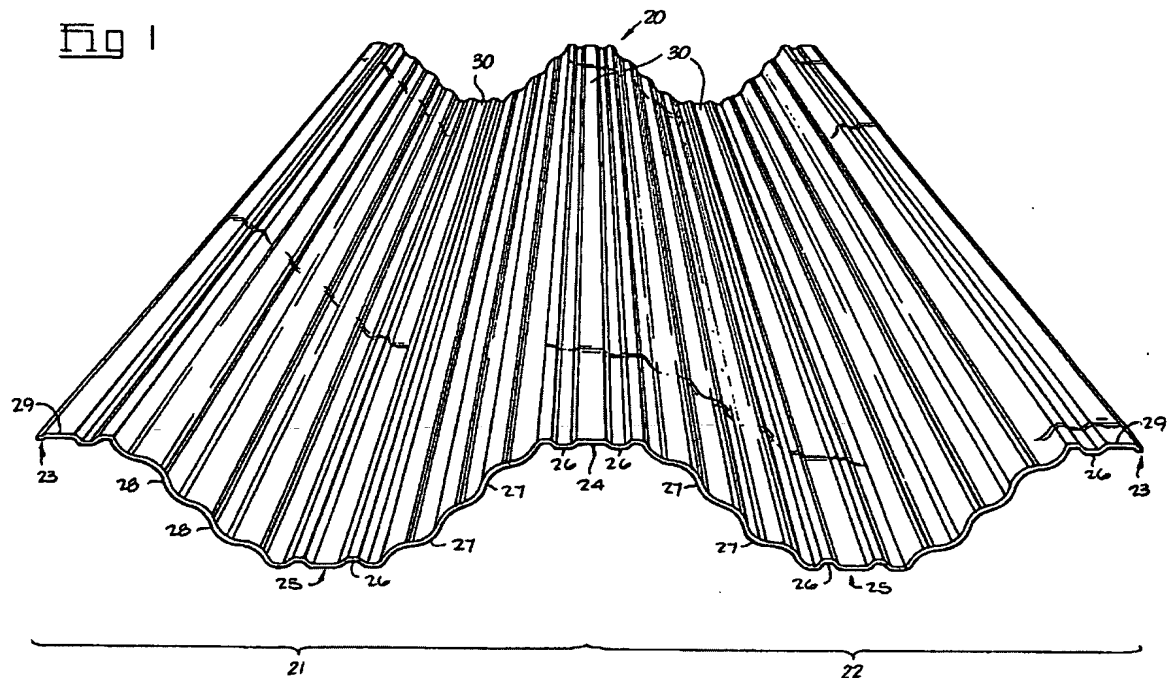
This Amendment responds to the Final Office Action mailed July 9, 2007. Claims 1, 3-12, 14, 15, 17-20 and 28-30 are currently pending. Claims 1 and 15 have been amended to clarify that these claims contain “a curved central portion having transverse corrugations therein.” Support for this amendment to claims 1 and 15 may be found, for example, at least at paragraphs [0048] to [0050] and Figures 11 and 12 of the published application. No new matter has been added by the addition of this limitation.

Entry of the foregoing amendment to the claims is proper because it raises no new issues requiring further consideration. The Applicants note that it would be clear to one of skill in the art that the corrugations described are transverse based on the configuration of the crimping rollers. Additionally, the recited corrugations were discussed as being transverse in a prior Amendment.¹ Applicants respectfully request that the Examiner consider and enter these amendments to the claims pursuant to 37 C.F.R. § 1.116(b)(2) because they place the application in condition for allowance, or at least place the claims in better form for consideration on appeal.

Claims 1, 3, 12, and 30 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,358,916 (“Lacasse”). Claim 1 has been amended and it is respectfully submitted that these claims are allowable over Lacasse.

Claim 1 as amended recites, among other things, a building panel, comprising a curved central portion having transverse corrugations therein, and a pair of side wall portions extending from the opposite ends of the curved central portion. In contrast, it is clear from at least Figure 1 of Lacasse (shown below) that the disclosed panel members do not have transverse corrugations therein. Instead, Lacasse is directed to longitudinal corrugations. *See, e.g.*, Figure 1 and the abstract of Lacasse.

¹ Amendment dated October 9, 2007 at 5-6, in which the Applicants stated that the Martin reference teaches away from corrugations and quoted the Martin references specific teaching away from “transverse corrugations.”



Thus, it is readily apparent that the subject matter recited in claim 1 is not anticipated by Lacasse. Withdrawal of the rejection and allowance of claim 1 is respectfully requested for at least these reasons. Claims 3, 12, and 30 are allowable at least by virtue of dependency.

Claims 4-11 stand rejected under 35 U.S.C. § 103 as being allegedly obvious over Lacasse. Because Lacasse fails to teach or suggest transverse corrugations as recited in claim 1, it is respectfully submitted that claim 1 is patentable over Lacasse. Claims 4-11 are patentable over Lacasse at least by virtue of dependency. Withdrawal of the rejection and allowance of these claims is respectfully requested for at least these reasons.

Claims 14-15, 17, 20, and 28 stand rejected under 35 U.S.C. § 103 as being allegedly obvious over Lacasse in view of U.S. Patent No. 4,505,084 ("Knudson"). This rejection is respectfully traversed.

Lacasse in view of Knudson fail to teach or suggest "a curved central portion having transverse corrugations therein" as recited in independent claims 1 and 15. As discussed above, the longitudinal corrugations of Lacasse clearly do not teach or suggest transverse corrugations. Moreover, the Examiner asserts that Knudson discloses "a curved central portion 25 having corrugations therein." Office Action dated 1/2/08 at 3. But this assertion is not supported in the specification or Figures of Knudson. Figure 3 of Knudson does not

teach or suggest an element 25 that is a curved central portion but rather discloses a flat intermediate portion 25. *See* Figure 3 and col. 2, lines 33-34 of Knudson.

Furthermore, the Examiner has not clearly articulated a reason why the proposed combination of Lacasse and Knudson is obvious. “Rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”² However, in support of the obviousness rejection, the Examiner has merely stated that “it would have been obvious to one of ordinary skill in the art to include the means to join the panels as taught by [K]nudson in order to fashion a *complete building structure*.” (emphasis added) Office Action dated 1/2/08 at 4. As best the Applicants can determine this comprises the entire rationale for this obviousness rejection. However, the building panels of Knudson and Lacasse are both already intended to be used for complete building structures. *See, e.g.*, Knudson col. 1, lines 25-28 and Lacasse col. 1, lines 8-15. Since the disclosures of these references already teach complete building structures, the Examiner’s proposed rationale fails to address in any way why Knudson and Lacasse should be combined. Accordingly, the Examiner’s rejection is not supported by articulated reasoning with rational underpinnings and should be withdrawn.

Furthermore, the Examiner must consider the references as a whole including disclosures that teach away from the claims³ and may not merely pick and choose elements from several references to create the claimed invention. It is apparent that the Examiner has selectively chosen elements from Knudson and Lacasse to build the claimed invention by using the claimed invention as a blueprint and disregarding the teachings of each reference as a whole. Such hindsight reconstruction is improper.

For at least these reasons, the Examiner has failed to make a prima facie case of obviousness and claims 14-15, 17, 20, and 28 are readily patentable over the Lacasse in view of Knudson. Withdrawal of the rejection and allowance of these claims is respectfully requested for at least these reasons.


² KSR v. Teleflex, Inc., 550 U.S. ___, 82 USPQ2d at 1396 (2007).

³ Manual of Patent Examining Procedure § 2141.02(VI), 8th ed., rev. 6 (Sep. 2007).

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned at 202-879-3625 if a telephone call could help resolve any remaining items.

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Respectfully submitted,


Leland I. Gardner

JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3939

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(Reg. No.)